

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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cominvest ASSET MANAGEMENT  
GmbH,

Plaintiff(s),

CASE NO. 08 CV 01983

-against-

VIVENDI UNIVERSAL, S.A., et al.,  
Defendant(s).  
-----X

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK )

s.s. :

COUNTY OF NEW YORK )

JASON AGEE, being duly sworn, deposes and says that he is an employee of KEATING & WALKER ATTORNEY SERVICE, INC., is over the age of eighteen years and is not a party to the action.

That on the 11th day of March, 2008, at approximately 1:10 p.m., deponent served a true copy of the **SUMMONS IN A CIVIL ACTION; ECF FILING INSTRUCTIONS and COMPLAINT** upon Jean-Marie Messier c/o Messier Partners, LLC at One Rockefeller Plaza, Suite 1502, New York, New York 10020 by personally delivering and leaving the same with Lapoujude Sophie, Business Analyst, who is a person of suitable age and discretion, at that address, the actual place of business of the defendant. At the time of service deponent asked whether the defendant is in active military service for the United States or for the State in any capacity whatsoever or dependent upon such person and received a negative reply.

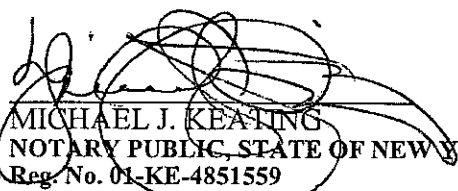
Lapoujude Sophie is a white female, approximately 29 years of age, is approximately 5 feet and 4 inches tall, weighs approximately 105 pounds, with medium length brown hair and brown eyes and was wearing glasses.

That on the 11th day of March, 2008 deponent served another copy of the foregoing upon the defendant by enclosing a true copy thereof in a securely sealed and postpaid wrapper with the words "PERSONAL and CONFIDENTIAL" written on the same, and not indicating on the outside that it is from an attorney or concerns a legal matter, and depositing the same into an official depository maintained by the Government of the United States, City and State of New York, addressed as follows:

Jean-Marie Messier  
c/o Messier Partners, LLC  
One Rockefeller Plaza, Suite 1502  
New York, New York 10020

Sworn to before me this  
20th day of March, 2008

  
JASON AGEE #1196790

  
MICHAEL J. KEATING  
NOTARY PUBLIC, STATE OF NEW YORK  
Reg. No. 01-KE-4851559  
Qualified in New York County  
Commission expires February 3, 2010

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

cominvest Asset Management GmbH

V.

Vivendi Universal, S.A., Jean Marie Messier, and  
Guillaume Hannezo

SUMMONS IN A CIVIL ACTION

08 CV 01983

CASE NUMBER:

08 CV 01983

TO: (Name and address of Defendant)

Jean Marie Messier  
Messier Partners LLC  
1 Rockefeller Plaza  
New York, NY 10020

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

William H. Narwold  
Motley Rice LLC  
One Corporate Center  
20 Church Street, 17th Floor  
Hartford, CT 06103

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

**FEB 28 2008**

CLERK

DATE

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER ( <i>PRINT</i> )	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div style="margin-bottom: 10px;"> <input type="checkbox"/> Served personally upon the defendant. Place where served: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  Name of person with whom the summons and complaint were left: </div> <div style="margin-bottom: 10px;"> <input type="checkbox"/> Returned unexecuted: </div> <div> <input type="checkbox"/> Other (specify): </div>		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL \$0.00
<b>DECLARATION OF SERVER</b>		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> Executed on _____  Date </div> <div style="width: 60%;"> _____  <i>Signature of Server</i> </div> </div> <div style="text-align: center; margin-top: 20px;"> _____  <i>Address of Server</i> </div>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.